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Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS DIVISION**

CHARLES P. MCJUNKIN,  
deceased, by and through his  
executor and personal  
representative, RHETT  
MCJUNKIN, and RHETT  
MCJUNKIN, executor and  
personal representative, on behalf  
of the heirs of CHARLES P.  
MCJUNKIN,

Plaintiffs,

vs.

JAMES YEAGER d/b/a JIM  
YEAGER OUTFITTERS,

Defendants.

Cause No. CV-17-12-BLG-TJC

**STATEMENT OF  
UNDISPUTED FACTS RE:  
PLAINTIFFS' MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT –  
CONSTITUTIONALITY OF  
MONTANA RECREATION  
RESPONSIBILITY ACT**

Pursuant to Local District Court Rule 56.1, Plaintiffs submit the following Statement of Undisputed Facts.

1. Charles P. McJunkin (deceased) was the natural father of Rhett McJunkin, and at all times relevant hereto was a resident of the State of Georgia, County of DeKalb. (Doc. 15, ¶ 1).

2. Defendant James Yeager d/b/a Jim Yeager Outfitters (hereinafter “Yeager Outfitters”) reside and do business in Stillwater County, Montana. (*Id.* at ¶¶ 2-3).

3. At all times pertinent hereto, Yeager Outfitters was engaged in the business of guiding clients on the rivers of Montana. (*Id.* at ¶ 3).

4. On July 17, 2014, Defendant took Charles P. McJunkin, who was a paying client, on a guided fishing trip on the Stillwater River in Stillwater County, Montana. (*Id.* at ¶ 4).

5. Charles P. McJunkin was 81 years old at the time. (*Id.* at ¶ 5).

6. On July 17, 2014, as Defendant was guiding and operating the raft on the Stillwater River, Charles P. McJunkin ended up outside of the raft in the river without a personal flotation device. (*Id.* at ¶ 6).

7. Charles P. McJunkin went through a stretch of the river known as the Beartooth Drop. (*Id.* at ¶ 7).

8. Charles P. McJunkin drowned. (*Id.* at ¶ 8).

9. Charles P. McJunkin’s children, Rhett McJunkin, and Charles P. McJunkin Jr., filed this suit on behalf of the Estate alleging that Yeager Outfitters was negligent. (Doc. 1, pp. 4-5).

10. Yeager Outfitters asserts as an affirmative defense “the protections afforded by the Montana Recreation Responsibility Act,” Mont. Code Ann. § 27-1-751 through 27-1-754. (Doc. 4, p. 7).

DATED this 12th day of February 2018.

MCGRADY LAW

By: /s/ Philip McGrady  
Philip McGrady  
Attorney for the Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of February 2018, a copy of the foregoing was filed electronically and was therefore served electronically on those persons and entities that have properly registered for such electronic service.

By: /s/ Philip McGrady  
Philip McGrady